

**Commission for Mental Health Developmental Disabilities and Substance Abuse Services**

**MINUTES**

**Commission Meeting**

**May 27, 2003**

**Holiday Inn North, Raleigh, NC**

**Commission Members Present:**

Pender McElroy (Chair), Dorothy Crawford, Pearl L. Finch, Ann Suggs, Martha Macon, Paul Guley, Albert Fisher, Fredrica Stell, Donald Stedman, Bernard Sullivan, Ellen Holliman, Marvin Swartz, Martha Martinat, Lois Batton, Mansfield Elmore, Lou Adkins, Raymond Reddick, George Jones, Judy Lewis, William Sims, Emily Moore and Floyd McCullouch

**Commission Members Absent:**

Pat Chamings (excused), Jeanne Fenner (excused), Joe Coulter (excused), Anna Scheyett (excused) and Ken Gerrard (unexcused).

**Division Staff Present (DMH/DD/SAS):**

Rich Visingardi, Director

Tara Larson, Deputy Director

Don Willis, Chief, Administrative Support

Peggy Balak, Team Leader, Division Affairs

Cindy Kornegay, APA Rulemaking Coordinator, Division Affairs

Susan Collins, Administrative Support, Division Affairs

Stephanie Alexander, Division Affairs

Marilyn Brothers, Hearing Officer

**OTHERS PRESENT:**

Erin Drinnin (Commission Intern), Jack Blackley (DMH/DD/SAS), Chris Phillips (DMH/DD/SAS), Flo Stein (DMH/DD/SAS), Jim Jarrard (DMH/DD/SA), Leza Wainwright (DMH/DD/SAS), Jeff Horton, (DFS), Carol Duncan Clayton (NC Council), Louise Fisher (Advocate Mental Illness MHA of NC), Bill Duffy (Success Inc.), Bob Hedrick (CNC/Access), Mazie Fleetwood, (Randolph Co.), Rhett Melton (Pathways), Diane Pomper (Attorney General's Office), Steve Jordan (RESCARE), Karen Salacki (Edgecombe-Nash), Sue Creighton (Citizen), Nancy Hunt (Wilson-Greene), Fred Waddle (NC Community Support Provider), Dan Jones (Onslow), Michael Watson (Sandhills), Ann Rodriguez (NC Council of Community Programs), Debbie Kahler Sagel (NC Council on DD), Stephen Halsberg (Consumer), Billie Guthrie (Club Nova, Carrboro), Dave Richard (The ARC), Nana Reeves (Health Services Personnel), Bill Culpepper (NC House, Dist. 2), Charles Franklin (Albemarle), Richard Slipsky (Attorney General's Office), Mike Mayer (NC Community Support Provider) and John Crawford (Visitor/Macon County)

**Handouts:**

Commission Minutes of February 24, 2003, Rules Committee Minutes of April 2, 2003, Advisory Committee Minutes of April 3, 2003, History of MH Services in NC, Senate Bill 163 Proposed Temporary Rules, LME Cost Modeling Summary and LME Modeling Points, Communication Bulletin re: Case Management and Service Management, Finding

Your Place in the Reformed Mental Health System, Service Definitions, Rule Tracking Report, Draft Resolution to Support Legislative Action to Extend the Special Assistance Demonstration Project, Draft Advisory Committee Report 2002-2003, Draft Mission Statement Revision/Commission, Western Carolina Brochure,

### **Call to Order**

Pender McElroy, Chairman, called the meeting to order at 9:30 am. All Commission members, staff and other attendees introduced themselves.

Mr. McElroy welcomed Peggy Balak, Team Leader for Division Affairs and staff to the Commission.

Mr. McElroy recognized Pearl Finch having received a Lifetime Career Award from the Council of Community Programs at its last meeting. Also, he thanked Erin Drinnin, who worked as the Commission's intern for all of her hard work on the orientation manual.

Mr. McElroy read the Ethics Awareness and Conflict of Interest Statement and there were no responses. A question was raised as to the status of the Conflict of Interest Statements that each member submitted to the Ethics Office. Peggy Balak will check on the status of responses back to members and provide an update.

### **Approval to Minutes**

Raymond Reddrick made a motion to approve the Minutes of the February 24, 2003 Commission Meeting. Fredrica Stell seconded the motion and it passed unanimously.

### **Report of Chairman**

Mr. McElroy informed everyone he had distributed a copy of a letter sent to legislators indicating the Commission's support of an increase on taxes for cigarettes and alcohol as a means to generate revenue designated for the support of MH/DD/SAS services.

He announced that a third committee, the Legislative Liaison Committee, had been appointed with Judy Lewis as chair. The members of the Advisory and Rules Committees were then clarified (revised lists are attached to these minutes).

Mr. McElroy explained that the November meeting as currently scheduled conflicts with the Council of Community Programs' fall conference that many members attend. Emily Moore moved to have the meeting in November moved up to November 24, as it was originally scheduled. The motion was seconded and passed unanimously. Staff will send a revised Schedule of Commission meetings for 2003 to the members.

### **Status of Commission Appointments**

Tara Larson stated that there will be 12 vacancies effective June 30. Five nominations have been received in the Governor's Office. The Coalition has not submitted their nominations. North Carolina Boards and Commissions in the Governor's Office are waiting to receive all nominations to make appointments. Legislation now specifies the criteria for appointments by the Governor and all nominations must be submitted to Boards and Commissions. Anyone can make nominations.

Mr. McElroy asked for a report from the new Legislative Liaison Committee. Judy Lewis introduced the members of the Legislative Liaison Committee. They are: Chair Judy Lewis, George Jones, Martha Martinat, Martha Macon, Floyd McCullouch, Bernard Sullivan, Fredrica Turner Stell and Ellen Holliman.

Ms. Lewis reported that the Committee had met once. She said the Committee sees its scope as primarily public relations with a focus on marketing the Commission. She would like to get letterhead for the Commission and produce a short brochure describing the Commission. The Committee discussed preparing a letter for Legislators describing the work of the Commission. This would be sent with the brochure under the signature of each Commission member to the legislators in their respective districts. The Commission members would be asked to contact legislators by phone prior to the mailing, informing them the letter/brochure will be forthcoming.

The Commission members were in support of this proposal and requested that the letters to go out following the next election so that new legislators will receive the information.

#### **Advisory Committee Report**

Don Stedman thanked Erin Drinnin for the orientation manual.

Dr. Stedman presented a Draft Resolution to support legislative action to extend the Special Assistance Demonstration Project. The Advisory Committee recommends that the Commission adopt this resolution in support of Senate Bill 253 and House Bill 170 of the 2003 Session to extend the support and scope of the existing Special Assistance Demonstration Project.

Mr. Stedman moved to approve the resolution. Mr. McElroy accepted the motion, stating that a motion from a Committee Report does not require a second, and the Commission passed the motion unanimously.

The Advisory Committee had been charged with reviewing the Commission's Mission Statement and preparing revisions for the Commission's review. Dr. Stedman introduced the draft revisions and moved to adopt the statement. After some discussion, he withdrew his motion agreeing to take the document back for more work and present it to the Commission at a future meeting.

Dr. Stedman handed out the Annual Report from the Advisory Committee and encouraged the presence of all Committee members at its meetings, as a lot of effort is made to have members from outside make presentations. Also, it is important to attend to make recommendations on important documents.

Dr. Stedman invited all members to attend Advisory Committee meetings announcing that the next regularly scheduled meeting will be about Housing, on July 10<sup>th</sup>.

Dr. Stedman handed out the Western Carolina Center brochure.

#### **Rules Committee Report**

Floyd McCullouch gave a report of the Rules Committee meeting held on April 2<sup>nd</sup>. He mentioned the need to approve the October 2002 meeting minutes at the July 9<sup>th</sup> meeting.

Mr. McCullouch informed the Commission of the presentations to the Rules Committee on SB 163 Draft Rules by Jeff Horton, Jim Jarrard and Stephanie Alexander. He stated that Marilyn Brothers gave a follow-up regarding the issue of Liability insurance of residential providers. He also noted that Don Willis gave an update on the Division reorganization, appropriations and the LME cost model.

Mr. McCullouch announced that he was asked by the Rules Committee to attend the Public Hearing of SB 163 Draft Rules but was unable to attend the Hearing on May 7<sup>th</sup>.

### **Director's Report**

#### **• Case Management & Service Management**

Rich Visingardi, Ph.D., reported that the 2003 Mental Health State Plan has been released for comment and asked the members to please read it and submit their comments. He explained that the basic concepts of the Plan remains true to the original document and that they might want to focus on Chapters 3 and 4 of the Plan. He distributed an outline delineating the differing responsibilities of Case Management, Service Management and Systems Management in the new system. He reported on the evolution of these concepts since the original document was prepared and where each could be found in the 2003 draft. Dr. Visingardi explained that clarification and implementation of these three constructs as part of the system redesign is essential to reform.

Following Dr. Visingardi's remarks, Dr. Stedman announced that the Advisory Committee has been asked to review the Draft Mental Health State Plan 2003 and submit its comments to the Division on behalf of the Commission prior to the June 20<sup>th</sup> deadline. He suggested a Called Meeting of the Advisory Committee be scheduled for this purpose. It was decided that the Called Advisory Committee Meeting would be held on July 12.

Dr. Stedman also suggested that Dr. Viningardi and the Secretary of the DHHS have a joint meeting with the State Board of Education to articulate the redesign of the service management system and expressed the urgency for such a meeting.

Mr. McElroy asked if there were any questions from members of the audience for the Director.

One member from the audience expressed concern about discharges from the hospitals. Another member from the audience expressed concern that communities are unaware of the changes that are being planned and initiated and are unprepared and ill equipped to support people with disabilities. Ann Rodriquez of the Council posed questions about case management and applications of the different models of practice across target populations.

- **Update on Clinical Policy Director Position**

Dr. Visingardi announced that the Division is working with Personnel to finalize the new position, Clinical Policy Director, and that written correspondence will go out to the Commission members about it.

**Special Guest Presentation**

George Jones introduced Representative Bill Culpepper from Chowan County. Representative Culpepper is Chair of the House Rules Committee. He provided the members with an update on the current appropriations process, noting that both the House and Senate have passed budget bills early this year and are now in conference committee to resolve the disparities. He highlighted the changes adopted by the House and Senate to the Governor's budget, each of which eliminated proposed budget cuts to community mental health programs and increased funding to the Mental Health Trust Fund. Representative Culpepper reminded the members of the most recent budget forecasts for a greater than anticipated shortfall for the upcoming fiscal year, and did not make predictions as to what would be the result of the negotiations around the appropriations bills.

**LME Cost Modeling**

Leza Wainwright presented the LME Cost Modeling update and distributed an accompanying handout. The presentation described the method employed to produce the cost modeling and the assumptions made within the model. The model costs-out the functions of the future LMEs, including general administration, business management and accounting, information management and analysis, provider relations and support, service management, consumer affairs and customer services, quality improvement and outcomes evaluation.

Ms. Wainwright explained how the cost model, once finalized, would be used as a basis for negotiations between the Division and individual LMEs as a means of determining the amount of funds (state and federal) that an LME would receive to carry out the administrative functions as described. She emphasized that this model did not include any service funds. A cost model similar to this one is being designed to guide the allocation of service dollars and by July 1, 2004, the funding streams would be separate at the state level. An LME, if it is approved to continue service provision past July 1, 2004 would be able to draw funds from both funding streams.

**Service Definitions**

Tara Larson presented a report of the draft Service Definitions for mental health services. She said that the Stakeholders were presented these draft definitions at their April meeting. The Division is revising these definitions based on feedback received to date. A full packet of service definitions including the revised draft mental health and the new draft developmental disabilities and substance abuse definitions, for both Medicaid and state funds, will be distributed at the June Stakeholders meeting. Ms. Larson requested that a review of the draft definitions be included on the June 12 Advisory Committee Meeting agenda so that Commission comments could be submitted to the Division within the timeframe allotted.

### **Area Program Consolidation**

Ms. Larson gave the Commission an update on the Area Program consolidations. By July 1, 2003 the following mergers will be completed: Piedmont and Davidson; Sandhills and Randolph; and Duplin/Sampson/Lenoir. There is ongoing work being done to consolidate Blue Ridge, Rutherford/Polk and Trend as well as Riverstone, Edgecombe/Nash and Wilson/Greene.

Mike Watson (Area Director, Sandhills) and Mazie Fleetwood (Area Director, Randolph) are working jointly on their merger. They spoke to the Commission about the problems encountered (political, technical, organizational culture) in all consolidation efforts and were proud to report on their successful efforts thus far.

Mr. McElroy recognized Ms. Fleetwood on her retirement and expressed the Commission's appreciation for all she has contributed to the mental health system in North Carolina.

Dan Jones reported that the Onslow County Board of Commissioners recently appointed a Governance Task Force with broad citizen representation to work on possible consolidation efforts for the future.

### **History of Mental Health Services in North Carolina**

Dr. Jack Blackley gave an informative and interesting report on the history of mental health services in North Carolina. He presented the Commission with a written copy of the report. He was asked to talk about his personal history in the field and the members of the Commission expressed their gratitude for his the years of dedication to people with disabilities.

### **Effects of Mental Health Reform on Area Program Staff**

Carol Duncan Clayton, Executive Director, Council of Community Programs thanked the Commission for inviting her to present on a topic that she initially presented at Clinical Update, a conference for clinical staff. She distributed a handout of that presentation entitled "Finding Your Place in the Reformed Mental Health System." She noted that the Commission's challenge is to have meaningful impact through their role in rulemaking and regulatory compliance. She suggested that the Advisory Committee seek information on how the Department is addressing work force issues the central theme of her report.

### **SB 163**

Jeff Horton gave an overview of the Proposed Temporary Rules required by the passage of SB 163, describing the three parts of the bill. He explained to the Commission that the Secretary has the authority to adopt these rules.

The proposed temporary rules include: Suspension and Revocation, Notification Procedures for Out-of-Home Community Placement, Monitoring, DMA Provider Enrollment and DSS Licensure Rules. The temporary rules will be filed with the Office of Administrative Hearings by June 10 to become effective July 1.

### **New Business**

None

**Public Comments**

Mr. McElroy asked for comments from the public. There were no public comments.

**Adjournment**

There being no further business to come before the Commission, by unanimous consent the meeting adjourned at 4:00 pm.